

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 11/20/2024

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
COREY DAVIS,	:	
	:	
Plaintiff,	:	1:24-cv-7303-GHW
	:	
-v-	:	<u>ORDER</u>
	:	
THE BANK OF NEW YORK MELLON,	:	
	:	
Defendant.	:	
	:	
-----	X	
GREGORY H. WOODS, United States District Judge:		

Plaintiff Corey Davis, who appears *pro se*, moves to “voluntarily withdraw [this] matter.” Dkt. No. 6 (“Mot. to Withdraw”) at 1. The Court construes Plaintiff’s request as a notice of voluntary dismissal under Federal Rule of Civil Procedure 41(a)(1)(A)(i).

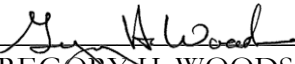
Plaintiff also requests “an Order directing the Clerk of the Court to issue a refund . . . in the amount of the filing fee.” Mot. to Withdraw at 1. “The law is well-settled that once payment of the filing fee has been collected, it cannot be waived or refunded, regardless of the outcome of the action.” *Ball v. Goldfar*, 2020 WL 474448, at *2, n.2 (N.D.N.Y. Jan. 28, 2020) (Sharpe, J.) (citing *Goins v. DeCaro*, 241 F.3d 260, 262 (2d Cir. 2001) (incarcerated person who withdraws his appeal is not entitled to a refund of the filing fee paid or a cancellation of the remaining indebtedness)).

Accordingly, Plaintiff’s request for the Clerk of Court to issue a refund is denied.

The Clerk of Court is directed to terminate all pending motions and close this case. The Clerk of Court is also directed to mail a copy of this order to Plaintiff.

SO ORDERED.

Dated: November 20, 2024
New York, New York



 GREGORY H. WOODS
 United States District Judge